

SOUTH DAKOTA REAL ESTATE COMMISSION  
MARCH 22, 23 & 24, 2004  
RAMADA LIMITED  
407 S LYONS  
SIOUX FALLS, SOUTH DAKOTA

The South Dakota Real Estate commission convened at 1:30 p.m on March 22, 2004 in the Conference Room of the Ramada Limited, Sioux Falls, South Dakota. Present for the meeting were Chairman Jim Berven and commission members Loren Anderson, Nancy Ekstrum, Brian Jackson and Charles Larkin. Also present were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer, secretary Norma Schilling and auditor/investigator Tim Buseman.

Motion by Anderson, second by Jackson, to approve the minutes of the February 4 & 5, 2004 meeting with correction to page 4, paragraph 6, changing the word "complete" to "complaint". Motion carried.

Motion by Anderson, second by Ekstrum, to accept the financial reports for January & February 2004. Motion carried.

Motion by Anderson, second by Ekstrum, to enter into executive session at 1:45 p.m. Motion carried.

The informal consultation on complaint #2004-010, Wingen vs. Madison Realty, Inc./Moothart was convened by Chairman Berven at 1:50 p.m. Present for the consultation in addition to the members of the commission were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer, secretary Norma Schilling, auditor/investigator Tim Buseman, complainant Tim Wingen and his attorney Tom Johnson, respondent Marilyn Moothart and her attorney Dick Ericsson and responsible broker Jeff Lechner. The consultation concluded at 2:58 p.m.

Amy Arndt, legal counsel for Marcie Roggow, appeared before the Commission with a Motion for a Continuance on the complaint of the SDREC vs. Marcie Roggow. Amy Arndt requested that the complaint be converted to an informal consultation.

Motion by Jackson, second by Larkin, to come out of executive session at 4:25 p.m. Motion carried.

Discussion was held with Tim Buseman regarding audits of real estate companies.

Motion by Larkin, second by Jackson, to offer to enter into a Stipulation and Assurance of Voluntary Compliance with Marilyn Moothart to a penalty of \$250, 12 hours of continuing education in agency and the reimbursement of costs of \$100. If Stipulation and Assurance of Voluntary Compliance is not accepted then move to a formal hearing. Motion carried.

Motion by Jackson, second by Ekstrum, to deny the motion to convert to an informal consultation on the complaint of SDREC vs. Marcie Roggow. Motion carried.

Motion by Larkin, second by Jackson, to dismiss the complaint against Jeff Lechner and Madison Realty. Motion carried.

Discussion was held on the letter received from Rice Insurance Services Company stating that real estate firms are covered through the broker.

Discussion was held on the Memo to Buyer form. Following discussion, the commission agreed that the form could be used if the word "favorably" was removed from the form.

The meeting recessed at 4:50 p.m. and reconvened at 8:30 a.m. on March 23, 2004.

Motion by Larkin, second by Jackson, to enter into executive session at 8:35 a.m. to review complaints. Motion carried.

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Motion by Jackson, second by Larkin, to come out of executive session at 9:20 a.m. Motion carried.

Complaint #2004-012, Baldwin vs. A & A Professional Property Management, Inc./Riss. Motion by Anderson, second by Ekstrum, to hold an informal consultation. Motion carried.

Complaint #2004-017, Olson vs. Prudential Kahler REALTORS/Rinehart. Motion by Larkin, second by Jackson, to dismiss the complaint. Motion carried.

The executive director reported to the Commission on an incident in Rapid City involving a residential rental agent. The executive director was instructed to have a formal complaint filed against the residential rental agent.

Discussion was held on temporary license approval. Motion by Ekstrum, second by Larkin, to suggest to the real estate instructors that they include statute 36-21A-33 on the application completed by individuals enrolled in their courses. The student would then have a choice to either enroll in the course or contact the executive director to petition the Commission for an opinion as to possibility of license approval. Motion carried.

Discussion was held on the renewal survey. The commission suggested that office staff submit proposals to the commission on possible changes in the renewal process and also review fees currently charged to see if an increase is necessary.

Discussion was held on a Motion for Continuance on the complaint of the SDREC vs. Janssen Realty/Janssen/Goedken. Motion by Jackson, second by Anderson, to deny the request for a continuance and proceed with a formal hearing at the next meeting. Motion carried.

The executive director gave an update on the legislative task force.

The executive director informed the commission on the upcoming REEA Conference in San Antonio, Texas and that she would like to send Josh Ring the education director to the conference. Motion by Anderson, second by Jackson, to approve the attendance of Josh Ring at the conference. Motion carried.

The executive director asked for clarification on requalifying for licensure and whether past experience can be considered on a license that has expired. Following discussion, the commission agreed that experience received prior to nonrenewal of a license would not be considered toward upgrade to a responsible broker.

The commission reviewed the broker associate application of Sean Brady. Motion by Larkin, second by Jackson, to approve the application of Sean Brady. Motion carried.

The executive director informed the commission that she had received a call from Bernard Haag asking if his application could be approved if his judgments were paid. The commission instructed the executive director to inform Mr. Haag that he could request to reappear before the commission after all judgments are paid.

The executive director asked the commission for their input on sponsoring a course development and instructor development workshop. The commission instructed the executive director to pursue this avenue and to check on costs, an instructor, when it could be held and how many course providers would attend.

The commission recessed for lunch at 11:30 a.m. and reconvened at 1:15 p.m.

Hearing officer Hillary Brady at 1:30 p.m. convened the formal hearing on complaint #2004-011, SDREC vs. Coldwell Banker GKR & Associates/Hermanson & AMERI/STAR Real Estate/Koch. Present for the hearing in addition to the members of the commission were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer, secretary Norma Schilling, auditor/investigator Tim Buseman, court reporter Audrey Barbush, defendant Jeff Koch and his attorney Gregg Greenfield, defendant Helen Hermanson and her attorney Tom Wilka, responsible brokers Tim Johnson and Jim Costello, Dan Koch and witnesses Sam Trebilcock, Cheryl Nelson and Steve Nelson. The hearing closed at 4:40 p.m.

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Hearing officer Hillary Brady at 4:55 p.m. convened the formal hearing on complaint #2004-007, SDREC vs. AMERI/STAR Real Estate/Fines/Hawke/Enebo. Present for the hearing in addition to the members of the commission were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer, secretary Norma Schilling, auditor/investigator Tim Buseman, court reporter Audrey Barbush, defendants Pat Fines, Maxine Hawke, Scott Enebo and their attorney Gregg Greenfield, responsible broker Jim Costello, witnesses Michael Gillispie and Janine Gillispie. The hearing closed at 5:45 p.m.

Hearing officer Hillary Brady at 6:00 p.m. convened the formal hearing on complaint #2004-14, SDREC vs. AMERI/STAR Real Estate/Fines. Present for the hearing in addition to the members of the commission were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer, secretary Norma Schilling, auditor/investigator Tim Buseman, court reporter Audrey Barbush, defendant Pat Fines and his attorney Gregg Greenfield, responsible broker Jim Costello, witnesses Pamela Ward and David Ward. The hearing closed at 7:10 p.m.

The meeting recessed at 7:15 p.m. and reconvened at 8:30 a.m. on March 24, 2004.

This being the last meeting for Chairman Berven an election of officers was held. Chairman Berven opened nominations. Jackson nominated Anderson for Chairman and Larkin for Vice-Chairman and moved that nominations cease. Ekstrum seconded. Motion carried with Anderson and Larkin elected.

Discussion was held on the formal hearings held the previous day.

The next meeting of the Commission will be held May 3, 4 & 5, 2004 in Pierre.

There being no further business, Ekstrum moved, seconded by Anderson, to adjourn at 9:30 a.m. Motion carried.

Jim Berven, Chairman

  
Dee Jones Noordermeer, Executive Director

I, Dee Jones Noordermeer, hereby certify that the above is a true and correct copy of the minutes of the South Dakota Real Estate Commission meeting held on March 22, 23 & 24, 2004.

  
Dee Jones Noordermeer, Executive Director